

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs
NCO 20, Construction Team

on behalf of

Veterans Administration Medical Center
8495 Crater Lake Hwy
White City, OR 97503

VA260-12-R-0033

2. Nature and/or Description of the Action Being Processed:

This procurement is for general construction services to construct the Nutrition and Food Service Building.

Project Number: 692-338
Project Title: Replace Nutrition and Food Services
Estimated Cost of Construction: \$8,620,000
Project Period of Performance: 15 Months

The project has a complete design. The action will be awarded as a new firm fixed price contract for general construction services.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The Nutrition and Food Service Building will have several critical control elements including HVAC controls for accurate control on building conditions, food refrigeration requiring accurate temperature control and monitoring and energy use monitoring. The VA in White City currently utilizes a Johnson Controls, Metasys Building Control and Monitoring system as a site system to maintain, control and monitor building temperatures and medical refrigeration units. Simple expansion of the existing system would provide for simplification in spare parts required, training and maintenance of skills of a technician to operate, maintain and update functions would be minimal and there would be a central location for building and critical equipment control and monitoring.

The estimated cost for the specified Johnson Controls system is \$201,515.

4. Statutory Authority Permitting Other than Full and Open Competition:

41 USC §253(c), as implemented by FAR 6.302.

- ☒ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ☐ (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ☐ (4) International Agreement per FAR 6.302-4
- ☐ (5) Authorized or Required by Statute FAR 6.302-5;
- ☐ (6) National Security per FAR 6.302-6;
- ☐ (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Building control systems (BCS) are proprietary systems. The software code of BCS from various manufacturers is not compatible and in order to interface these different systems, additional hardware and software is required. Based on the incompatibility of software code, incremental hardware and software systems between various manufacturers cannot be supported by VA staff. Multiple BCS systems would increase hardware and software requirements (separate main servers, separate databases, different control logic capabilities, different types of sensors, different displays and interfaces, different commands, individual training, etc.). The result is increased overall complexity of the facility's building system and medical and food monitoring controls, increased maintenance costs, decreased level of integration, increased complexity of use, and increased risk to patient and staff safety.

The specified Johnson Controls Metasys System is a proprietary system (see attached statement from Johnson Controls).

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

The building system control system is brand name (Johnson Controls, Metasys). Selection of Johnson Controls is the result of a previous competitive procurement

In accordance with the Competition in Contracting Act (CICA), the overall procurement will be competed; and will be issued as an invitation for bid (IFB) and will be 100% set-aside for small business concerns.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

These items are part of a larger project, which will be solicited and awarded on a competitive basis. Fair and reasonable pricing will be established based on competition received.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

All market research was performed by architect-engineering firm of record, Douglas Snider, Architect, P.C. to secure prices for the government estimate. Approval of these items as brand name is critical for overall efficiency of the completed project and the White City facility as a whole.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

None noted.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

See paragraph 8, above. It is the responsibility of the bidders and the successful general contractor to locate suppliers and obtain pricing for all building materials and components, including the items listed in this justification.

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

There will be competition for the overall procurement. It will be the responsibility of the bidders to obtain pricing from suppliers of the items and to submit a competitive bid for the project.

All subsystems and components listed in this justification were originally competed and the product offering the best value to the government was selected at that time. In the event the subsystems and components are ever replaced on a facility-wide basis, the procurement to replace the products will be competed in accordance with all procurement laws and regulations.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



Donald J. Pecora,

Facilities Coordinator, Facility Management Service
VAMC, White City, OR

3/20/2012

Date

13. **Approvals in accordance with FAR 6.304:**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Charlene C. Duncan


Digitally signed by Charlene C. Duncan
DN: cn=U.S. Government, ou=Department of Veterans
Affairs, ou=Internal Staff,
0.9.2342.19200300.100.1.1=charlene.duncan@va.gov,
cn=Charlene C. Duncan
Date: 2012.03.20 14:01:15 -0700

Charlene Duncan, Contracting Officer
NCO 20 Construction Team

03/20/2012

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Lynnial E. Trusty, Jr.
NCO 20 Network Contracts Manager

3/22/2012

Date

Johnson Controls
588 Parsons Drive, Suite B
Medford, Oregon 97504
Tel 541-857-5112 Fax 541-245-3475



Mr. Don Peccia
VA SORCC
Facilities Coordinator, Facilities Management Services
8495 Crater Lake Highway
White City, OR 97503

Re: Johnson Controls Metasys System

Dear Sir:

It has been brought our attention that your facility is expanding and the space requires an addition to your campus control system manufactured and installed by our company.

We welcome the opportunity to help meet your needs and remind you that our Metasys system is easily expandable, but is also a proprietary system and needs to be worked on by the manufacturer in order to be given proper warranties and licenses.

Johnson Controls holds exclusive rights to this system and would not want your current investment to be jeopardized by other contractors modifying it in any way.

If you have any other questions or need additional information about our system please don't hesitate to call.

Sincerely,

Mark McLemore
Project Manager
Medford Systems Team
Cell: 541-210-0060